रजिस्ट्री सं० डी० 221 REGISTERED No. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड—1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 40] नई दिल्ली, सोमवार, नवम्बर 15, 1965/कार्तिक 24, 1887
No. 40] NEW DELHI, MONDAY, NOVEMBER 15, 1965/KARTIKA 24, 1887

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 15th November, 1965/Kartika 24, 1887 (Saka)

The following Act of Parliament received the assent of the President on the 12th November, 1965, and is hereby published for general information:—

THE PRESS COUNCIL ACT, 1965

No. 34 OF 1965

[*12th November*, 1965]

An Act to establish a Press Council for the purpose of preserving the freedom of the Press and of maintaining and improving the standards of newspapers in India.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and extent.

1. (*1*) This Act may be called the Press Council Act, 1965.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Chairman" means the Chairman of the Council;

(*b*) "Council" means the Press Council of India established under section 3;

(*c*) "member" means a member of the Council and includes its Chairman;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) the expressions "editor" and "newspaper" have the meanings respectively assigned to them in the Press and Registration of Books Act, 1867, and the expression "working journalist" has the meaning ossigned to it in the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955. 25 of 1867. 45 of 1955.

CHAPTER II

ESTABLISHMENT OF THE PRESS COUNCIL

Incorporation of the Council.

3. (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established a Council by the name of the Press Council of India.

(*2*) The said Council shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

Composition of the Council.

4. (*1*) The Council shall consist of a Chairman and twenty-five other members.

(*2*) The Chairman shall be a person nominated by the Chief Justice of India.

(*3*) The other members shall be chosen as follows:—

(*a*) thirteen members from among the working journalists, of whom not less than six shall be editors of newspapers who do not own or carry on the business of management of newspapers, so however that the number of editors of newspapers published in Indian languages shall not be less than three;

(*b*) six members from among persons who own or carry on the business of management of newspapers;

(*c*) three members from among persons having special knowledge or experience in the field of education, science, literature, law or culture;

(*d*) three members, of whom two shall be from among the members of the House of the People and one from among the members of the Council of States.

(*4*) The two members to be chosen from among the members of the House of the People shall be nominated by the Speaker thereof

and the one to be chosen from among the members of the Council of States shall be nominated by the Chairman thereof; and save as aforesaid, all the other members referred to in sub-section (*3*) shall be nominated by a Committee consisting of the Chief Justice of India, the Chairman of the Council and a person to be appointed by the President of India, and in making any such nomination, the Committee shall have due regard to the consideration that not more than one person interested in any newspaper or any group of newspapers under the same control or management should be nominated to represent any of the categories referred to in clause (*a*) or clause (*b*) of that sub-section.

(*5*) Before making any nomination under clause (*a*) or clause (*b*) of sub-section (*3*), the Committee referred to in sub-section (*4*) shall, in the prescribed manner, invite panels of names from all such associations of persons of the categories referred to in the said clause (*a*) or clause (*b*) as may be notified in this behalf by the Council and in making any such nomination the Committee shall have due regard to the panels of names forwarded to it:

Provided that, until the Council is established, such associations shall be notified by the Central Government.

(*6*) Before making any nomination under clause (*c*) of sub-section (*3*), the Committee shall consult such associations or persons as it thinks fit.

(*7*) The names of persons nominated under this section shall be forwarded to the Central Government and shall be notified by that Government in the Official Gazette, and every appointment so made under this section shall take effect from the date on which it is so notified.

Term of office and retirement of members.

5. (*1*) Save as otherwise provided in this section, the Chairman and other members shall hold office for a period of three years.

(*2*) Where a person chosen as a member under clause (*a*) or clause (*b*) of sub-section (*3*) of section 4 is censured under the provisions of sub-section (*1*) of section 13, he shall cease to be a member of the Council.

(*3*) The term of office of a member chosen under clause (*d*) of sub-section (*3*) of section 4 shall come to an end as soon as he ceases to be a member of the House from which he was chosen.

(*4*) The Chairman may resign his office by giving notice in writing to the Central Government and any other member may resign his office by giving notice in writing to the Chairman; and upon such

resignation being accepted by the Central Government or, as the case may be, the Chairman, he shall be deemed to have vacated his office.

(5) A casual vacancy arising under sub-section (2) or sub-section (3) or sub-section (4) or otherwise shall be filled by fresh appointment and a member so appointed shall hold office for the remaining period for which the member in whose place he is appointed would have held office.

(6) Every fresh appointment to fill a casual vacancy or a vacancy caused by the retirement of a member shall be made from the same category of persons to which the member in whose place the appointment is to be made belonged, and every such appointment shall be made by the same authority by which and in the same manner in which, that member was appointed.

(7) A retiring member shall be eligible for re-appointment:

Provided that no member shall hold office for a period exceeding six years in the aggregate and on the expiry of such period he shall cease to be a member.

Conditions of service of members.

6. (1) The Chairman shall be a whole-time officer and shall be paid such salary as the Central Government may think fit; and the other members shall receive such allowances or fees for attending the meetings of the Council, as may be prescribed.

(2) Subject to the provisions of sub-section (1), the conditions of service of members shall be such as may be prescribed.

(3) It is hereby declared that the office of a member of the Council shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

Meetings of the Council.

7. The Council shall meet at such times and places and shall observed such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations made under this Act.

Committees of the Council.

8. For the purpose of performing its functions under this Act, the Council may constitute from amongst its members such committees for general or special purposes as it may deem necessary and every committee so constituted shall perform such functions as are assigned to it by the Council.

9. No act or proceeding of the Council shall be deemed to be invalid by reason merely of the existence of any vacancy in, or any defect in the constitution of, the Council. Vacancies amongst members or defect in the constitution not to invalidate acts and proceedings of the Council.

10. (*1*) Subject to such rules as may be made by the Central Government in this behalf, the Council may appoint a Secretary and such other employees as it may think necessary for the efficient performance of its functions under this Act. Staff of the Council.

(*2*) The terms and conditions of service of the employees shall be such as may be determined by regulations made with the prior approval of the Central Government.

11. All orders and decisions of the Council shall be authenticated by the signature of the Chairman or any other member authorised by the Council in this behalf and other instruments issued by the Council shall be authenticated by the signature of the Secretary or any other officer of the Council authorised in like manner in this behalf. Authentication of orders and other instruments of the Council.

CHAPTER III

POWERS AND FUNCTIONS OF THE COUNCIL

12. (*1*) The object of the Council shall be to preserve the freedom of the Press and to maintain and improve the standards of newspapers in India. Objects and functions of the Council.

(*2*) The Council may, in furtherance of its object, perform the following functions, namely:—

(*a*) to help newspapers to maintain their independence;

(*b*) to build up a code of conduct for newspapers and journalists in accordance with high professional standards;

(*c*) to ensure on the part of newspapers and journalists the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship;

(*d*) to encourage the growth of a sense of responsibility and public service among all those engaged in the profession of journalism;

(*e*) to keep under review any development likely to restrict the supply and dissemination of news of public interest and importance;

(*f*) to keep under review such cases of assistance received by any newspaper or news agency in India from foreign sources, as are referred to it by the Central Government:

Provided that nothing in this clause shall preclude the Central Government from dealing with any case of assistance received by a newspaper or news agency in India from foreign sources, in any other manner it thinks fit;

(*g*) to promote the establishment of such common service for the supply and dissemination of news to newspapers as may, from time to time, appear to it to be desirable;

(*h*) to provide facilities for the proper education and training of persons in the profession of journalism;

(*i*) to promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers;

(*j*) to study developments which may tend towards monopoly or concentration of ownership of newspapers, including a study of the ownership or financial structure of newspapers, and if necessary, to suggest remedies therefor;

(*k*) to promote technical or other research;

(*l*) to do such other acts as may be incidental or conducive to the discharge of the above functions.

Power to censure.

13. (*1*) Where, on receipt of a complaint made to it or otherwise, the Council has reason to believe that a newspaper has offended against the standards of journalistic ethics or public taste or that an editor or a working journalist has committed any professional misconduct or a breach of the code of journalistic ethics, the Council may, after giving the newspaper, the editor or journalist concerned an opportunity of being heard, hold an inquiry in such manner as may be provided by regulations made under this Act and, if it is satisfied that it is necessary so to do, it may, for reasons to be recorded in writing, censure the newspaper, the editor or journalist, as the case may be.

(2) Nothing in sub-section (1) shall be deemed to empower the Council to hold an inquiry into any matter in respect of which any proceeding is pending in a court of law.

(3) The decision of the Council under sub-section (1), shall be final and shall not be questioned in any court of law.

General powers of the Council.

14. (1) For the purpose of performing its functions under this Act, the Council may require the publisher of any newspaper to furnish to it information on such points or matters as it may deem necessary.

(2) While holding any inquiry under this Act, the Council shall have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

5 of 1908.

(a) summoning and enforcing the attendance of persons and examining them on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witnesses or documents.

(3) Every inquiry held by the Council shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

45 of 1860.

Payments to the Council.

15. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Council in each financial year such sums as may be considered necessary for the performance of the functions of the Council under this Act.

Fund of the Council.

16. (1) The Council shall have its own Fund; and all such sums as may, from time to time, be paid to it by the Central Government and all grants and advances made to it by any other authority or person shall be credited to the Fund and all payments by the Council shall be made therefrom.

(2) All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Central Government, be decided by the Council.

(3) The Council may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the Fund of the Council.

Budget.

17. The Council shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the Central Government.

Annual report.

18. The Council shall prepare once every year, in such form and at such time as may be prescribed, an annual report giving a summary of its activities during the previous year, and giving an account of the standards of newspapers and factors affecting them, and copies thereof shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament.

Accounts and audit.

19. The accounts of the Council shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed.

CHAPTER IV

MISCELLANEOUS

Protection of action taken in good faith.

20. (*1*) No suit or other legal proceeding shall lie against the Council or any member thereof or any person acting under the direction of the Council in respect of anything which is in good faith done or intended to be done under this Act.

(*2*) No suit or other legal proceeding shall lie against any newspaper in respect of the publication of any matter therein under the authority of the Council.

Members, etc., to be public servants.

21. Every member of the Council and every officer or other employee appointed by the Council shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

Power to make rules.

22. (*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act:

Provided that when the Council has been established, no such rules shall be made without consulting the Council.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner in which panels of names may be invited under sub-section (5) of section 4;

(*b*) the allowances or fees to be paid to the members of the Council for attending meetings of the Council, and other conditions of service of such members;

(*c*) the appointment of the Secretary and other employees of the Council;

(*d*) the form in which, and the time within which, the budget and annual report are to be prepared by the Council;

(*e*) the manner in which the accounts of the Council are to be maintained and audited.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to make regulations.

23. The Council may make regulations not inconsistent with this Act and the rules made thereunder, for—

(*a*) regulating the meetings of the Council and the procedure for conducting business thereat;

(*b*) specifying the terms and conditions of service of the employees appointed by the Council;

(*c*) regulating the manner of holding any inquiry under this Act:

Provided that the regulations made under clause (*b*) shall be made with the prior approval of the Central Government.

R. C. S. SARKAR,
Secy. to the Govt. of India.

PRINTED IN INDIA BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI. 1965.